

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 16

Filed by: Trial Section Merits Panel  
Box Interference  
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Filed: May 2, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

IZUMU SAITO, YUMI KANEGAE  
and MICHIO NAKAI

Junior Party,  
Patent 5,700,470

v.

JEAN-LUC IMLER, MAJID MEHTALI  
and ANDREA PAVIRANI

Senior Party  
Application 09/218,143

**MAILED**

MAY 2 - 2002

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Patent Interference No. 104,820 (CAS)

Before: SCHAFER, TORCZON and SPIEGEL, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662(a)**

"Pursuant to 37 C.F.R. § 1.662(a), the party Saito hereby abandons the contest  
as to Count 1 and claims 1-6 corresponding thereto" (Paper 15). Therefore, it is


ORDERED that judgment on priority as to Count 1 (Paper 1, p. 5), the sole count in the interference, is awarded against junior party IZUMU SAITO, YUMI KANEGAE and MICHIO NAKAI;

FURTHER ORDERED that junior party IZUMU SAITO, YUMI KANEGAE and MICHIO NAKAI is not entitled to a patent containing claims 1-6 (corresponding to Count 1) of Saito U.S. Patent 5,700,470, issued December 23, 1997, based on application 08/615,048, filed March 12, 1996;

FURTHER ORDERED that a copy of this paper shall be made of record in files of U.S. Patent 5,700,470 and U.S. application 09/218,143;

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661; and

FURTHER ORDERED that the telephone conference call scheduled for May 9, 2002 is cancelled.

  
RICHARD E. SCHAFER  
Administrative Patent Judge

  
RICHARD TORCZON  
Administrative Patent Judge

*Carol A. Spiegel*  
CAROL A. SPIEGEL  
Administrative Patent Judge

# BOARD OF PATENT APPEALS AND INTERFERENCES

cc (via Fax and Federal Express):

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## INTERFERENCE DIGEST

Interference No. 105,136

Paper No. 42

Name: Jean-Luc Imler et al.

Serial No.: 09/218,143

Patent No.

Title: Defective Adenoviruses and Corresponding Complementation Lines

Filed: 12/12/98

Interference with Wang et al.

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, 5/18/04

\_\_\_\_\_  
\_\_\_\_\_

Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

Claims Rejected

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\_\_\_\_\_

This should be placed in each application or patent involved in interference in addition to the interference letters.